THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26120 of 1997

Dated: 23.03.2007

Between:

Nammi Pydiraju & others.

... Petitioners

AND

Visakhapatnam Port Trust,
Rep., by its Chairman, Port Area,
Visakhapatnam & another.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26120 of 1997

ORDER:-

This writ petition is filed for a Mandamus to declare the action of the respondents in converting the Visakhapatnam Port Trust (for short "the VPT") hospital canteen into a private canteen as arbitrary, illegal and unsustainable and for a further direction not to convert the VPT hospital canteen in to a private canteen and also to pay the minimum wages to the petitioners.

In the affidavit filed in support of the writ petition, it is averred that the petitioners are working in the canteen attached to a 100 bedded hospital since 1974. It is stated that the 1st respondent, who is running the hospital as a part of its public duty, is also running the canteen attached to the hospital and that recently they have taken a decision to privatize the canteen. The petitioners apprehended that if once such privatization takes place, their services will be discontinued.

In the counter-affidavit filed by the respondents, the averment of the petitioners that the VPT is running the canteen is denied. It is mentioned that employees of the VPT formed into a committee to supervise and control the canteen activities and the VPT has merely provided infrastructure facilities for establishment of canteen by its employees along with building.

No reply affidavit is filed denying this allegation.

Heard Sri Abhinand Kumar Shavili for the petitioners and Ms. Uma Devi for the respondents.

The entire premise on which the writ petition filed that the 1st respondent is running the canteen is denied by the respondents and the petitioners failed to produce any substantial material to show that it is the 1st respondent, which established the canteen as a part of its statutory obligation under the provisions of any statute.

In the absence of any material produced by the petitioners to disprove the allegation that the canteen is actually being run by the employees of the VPT themselves, the Court cannot presume employer and employee relationship between the VPT and the petitioners. Therefore, the petitioners are not entitled to any relief in this writ petition.

For the aforementioned reasons, the writ petition is dismissed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 23.03.2007
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